

118TH CONGRESS
2D SESSION

S. RES. 622

Providing for the issuance of a summons, providing for the appointment of a committee to receive and to report evidence, and establishing related procedures concerning the articles of impeachment against Alejandro Nicholas Mayorkas.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2024

Mr. CRUZ (for himself, Mr. LEE, Mr. SCHMITT, Mr. KENNEDY, Mrs. BLACKBURN, and Mr. HAGERTY) submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Providing for the issuance of a summons, providing for the appointment of a committee to receive and to report evidence, and establishing related procedures concerning the articles of impeachment against Alejandro Nicholas Mayorkas.

1 *Resolved,*

2 **SECTION 1. SUMMONS.**

3 (a) IN GENERAL.—A summons shall be issued which
4 commands Alejandro Nicholas Mayorkas to file with the
5 Secretary of the Senate (in this resolution referred to as
6 the “Secretary”) an answer to the articles of impeachment
7 with respect to Alejandro Nicholas Mayorkas no later than

★(Star Print)

1 7 session days after the date on which the articles of im-
2 peachment are transmitted, and thereafter to abide by,
3 obey, and perform such orders, directions, and judgments
4 as the Senate shall make in the premises, according to
5 the Constitution and laws of the United States.

6 (b) SERVICE.—The Sergeant at Arms and Door-
7 keeper of the Senate is authorized to utilize the services
8 of the Deputy Sergeant at Arms and Doorkeeper of the
9 Senate or another employee of the Senate in serving the
10 summons.

11 (c) NOTICE OF ANSWER.—The Secretary shall notify
12 the House of Representatives of the filing of the answer
13 and shall provide a copy of the answer to the House of
14 Representatives.

15 (d) FILING OF REPLICATION.—The Managers on the
16 part of the House of Representatives may file with the
17 Secretary a replication no later than 7 session days after
18 the date on which the articles of impeachment are trans-
19 mitted.

20 (e) NOTICE TO COUNSEL.—The Secretary shall no-
21 tify counsel for Alejandro Nicholas Mayorkas of the filing
22 of a replication, and shall provide counsel with a copy.

23 (f) DELIVERY AND PRINTING OF ANSWER AND REP-
24 LICATION; ENTRY OF PLEA.—The Secretary shall provide
25 the answer and the replication, if any, to the Presiding

1 Officer of the Senate on the first day the Senate is in
 2 session after the Secretary receives them, and the Pre-
 3 siding Officer shall cause the answer and replication, if
 4 any, to be printed in the Senate Journal and in the Con-
 5 gressional Record. If a timely answer has not been filed,
 6 the Presiding Officer shall cause a plea of not guilty to
 7 be entered.

8 (g) PRINTING AS SENATE DOCUMENT.—The articles
 9 of impeachment, the answer, and the replication, if any,
 10 together with the provisions of the Constitution of the
 11 United States on impeachment, and the Rules of Proce-
 12 dure and Practice in the Senate When Sitting on Impeach-
 13 ment Trials, shall be printed under the direction of the
 14 Secretary as a Senate document.

15 (h) RELATION TO RULES.—The provisions of this
 16 section shall govern notwithstanding any provisions to the
 17 contrary in the Rules of Procedure and Practice in the
 18 Senate When Sitting on Impeachment Trials.

19 (i) MOTION TO TABLE.—A motion to table the arti-
 20 cles of impeachment shall not be in order.

21 **SEC. 2. COMMITTEE.**

22 (a) IN GENERAL.—Pursuant to rule XI of the Rules
 23 of Procedure and Practice in the Senate When Sitting on
 24 Impeachment Trials (in this section referred to as “rule
 25 XI”), not later than 7 session days after the date on which

1 the articles of impeachment are transmitted, the Presiding
2 Officer shall appoint a committee of 12 Senators to per-
3 form the duties and to exercise the powers provided for
4 in rule XI (in this resolution referred to as the “com-
5 mittee”).

6 (b) RECOMMENDATIONS.—The majority leader and
7 minority leader, in consultation with their respective con-
8 ference, shall each recommend 6 members, including a
9 chair and vice chair, respectively, to the Presiding Officer
10 for appointment to the committee.

11 (c) AUTHORITY AS A STANDING COMMITTEE.—The
12 committee shall be deemed to be a standing committee of
13 the Senate for the purpose of reporting to the Senate reso-
14 lutions for the criminal or civil enforcement of the commit-
15 tee’s subpoenas or orders, and for the purpose of printing
16 reports, hearings, and other documents for submission to
17 the Senate under rule XI.

18 (d) AUTHORITY TO WAIVE REQUIREMENTS RELAT-
19 ING TO QUESTIONS.—During proceedings conducted
20 under rule XI, the chair of the committee is authorized
21 to waive the requirement under the Rules of Procedure
22 and Practice in the Senate When Sitting on Impeachment
23 Trials that questions by a Senator to a witness, a man-
24 ager, or counsel shall be reduced to writing and put by
25 the Presiding Officer.

1 (e) REPORT.—Not later than 90 calendar days after
2 the date on which all members of the committee are ap-
3 pointed under subsection (a), the committee shall submit
4 to the Senate a report compiling all evidence, exhibits, and
5 witness testimony received by the committee, which—

6 (1) shall include a certified copy of the tran-
7 script of the proceedings had and testimony given
8 before the committee; and

9 (2) may include a statement of facts that are
10 uncontested and a summary, with appropriate ref-
11 erences to the record, of evidence that the parties
12 have introduced on contested issues of fact.

13 (f) STAFFING AND EXPENSES.—The actual and nec-
14 essary expenses of the committee, including the employ-
15 ment of staff at an annual rate of pay, and the employ-
16 ment of consultants with prior approval of the Committee
17 on Rules and Administration at a rate not to exceed the
18 maximum daily rate for a standing committee of the Sen-
19 ate, shall be paid from the contingent fund of the Senate
20 from the appropriation account “Miscellaneous Items”
21 upon vouchers approved by the chair of the committee,
22 except that no voucher shall be required to pay the salary
23 of any employee who is compensated at an annual rate
24 of pay.

1 (g) TERMINATION.—The committee shall terminate
2 not later than 45 calendar days after the pronouncement
3 of judgment by the Senate on the articles of impeachment
4 against Alejandro Nicholas Mayorkas.

5 **SEC. 3. CONVENING AS COURT OF IMPEACHMENT.**

6 At 1 p.m. on the first day on which the Senate is
7 in session after the date that is 90 calendar days after
8 the date on which all members of the committee estab-
9 lished under section 2 are appointed, the Senate shall con-
10 vene as a Court of Impeachment to consider the articles
11 of impeachment against Alejandro Nicholas Mayorkas.

12 **SEC. 4. NOTICE.**

13 The Secretary shall notify the House of Representa-
14 tives and counsel for Alejandro Nicholas Mayorkas of this
15 resolution.

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